JAP:JPL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JAMES GOMEZ and
MARLON GOMEZ,

Defendants.

COMPLAINT

(21 U.S.C. § 846)

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EASTERN DISTICT OF NEW YORK, SS:

BRYAN YANNUZZI, being duly sworn, deposes and states that he is a Task Force Officer of the United States Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

On or about February 15, 2017, within the Eastern District of New York, the defendants JAMES GOMEZ and MARLON GOMEZ, together with others, did knowingly and intentionally conspire to possess with intent to distribute one or more controlled substances, which offense involved substances containing cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1).

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his belief are as follows:[1]

1. I am a Task Force Officer with the DEA assigned to the New Jersey Division, Newark Field Office. I have been trained in the investigation of various types of criminal violations including the trafficking of controlled substances. I am familiar with the facts and circumstances set forth below from my personal participation in this investigation, reports of other law enforcement personnel involved in this investigation and, among other things, my review of documents, records and reports.

2. Pursuant to an ongoing narcotics investigation, on or about February 15, 2017, at approximately 10:00 a.m., the DEA was conducting surveillance in the vicinity of 155-38 79th Street in the Howard Beach section of Queens, New York (the "Howard Beach Residence") and 92-33 214th Street in the Queens Village section of Queens, New York (the "Queens Village Residence"). At that time, the DEA observed a black 2014 BMW X6 sport utility vehicle bearing New York license plate HDT 1201 (the "Black BMW") parked in the driveway of the Howard Beach Residence, and a 2010 white BMW 5 Series sedan bearing New York license plate HKM 8451 (the "White BMW") parked in the driveway of the Queens Village Residence. At approximately 12:30 p.m., the DEA ended surveillance of the Queens Village Residence; however, as described below, surveillance of the Howard Beach Residence continued.

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[1] Because the purpose of this complaint and affidavit is only to set forth those facts necessary to establish probable cause for an arrest warrant, I have not described all the relevant facts and circumstances of which I am aware.

3. On or about February 15, 2017, at approximately 4:50 p.m., the DEA observed an individual later identified as the defendant JAMES GOMEZ exit the Howard Beach Residence, enter the Black BMW and begin driving. During the course of the moving surveillance, DEA agents observed JAMES GOMEZ driving the Black BMW at high rates of speed, frequently changing lanes and failing to use turn signals. JAMES GOMEZ also made what appeared to be periodic random stops on the side of the street and circled blocks, all of which activity appeared to DEA agents to be JAMES GOMEZ attempting to discern whether he was being followed.

4. At approximately 5:15 p.m., DEA agents observed JAMES GOMEZ arrive at the Queens Village residence. He parked in the driveway, remained in the Black BMW for approximately 10 minutes, and then entered the Queens Village Residence. By that time, the White BMW was no longer there. After a few minutes inside, JAMES GOMEZ exited the Queens Village Residence with a white plastic grocery bag that appeared to contain unknown items, entered the Black BMW and began driving.

5. The defendant JAMES GOMEZ then drove from the Queens Village Residence to the vicinity of Astoria Boulevard North and 47th Street in Queens, New York. During that time, DEA agents observed GOMEZ's driving to be noticeably more cautious than before. Specifically, GOMEZ appeared to operate the Black BMW within marked speed limits and use the turn signals.

6. At approximately 5:45 p.m., the defendant JAMES GOMEZ stopped the Black BMW and double parked in the vicinity of 46th Street between Astoria Boulevard and Ditmars Boulevard. An unknown female wearing a dark hooded sweatshirt approached JAMES GOMEZ at the driver's side door of the Black BMW, reached inside, and was

observed receiving a small black plastic bag. Almost immediately thereafter, the unknown female walked away and JAMES GOMEZ began driving again.

7. Approximately 5 minutes later, JAMES GOMEZ arrived in the vicinity of 49th Street between Ditmars Boulevard and 21st Avenue. JAMES GOMEZ stopped the Black BMW, made a "K" turn on 49th Street and double parked again. An unknown male wearing a beige puffy hooded jacket approached JAMES GOMEZ at the driver's side door and appeared to be holding something small in his right hand that he handed to JAMES GOMEZ through the window. JAMES GOMEZ accepted the item from the unknown male and handed him in return what appeared to be a small glassine bag with something inside. Almost immediately thereafter, JAMES GOMEZ began driving again. Based on my training and experience, the above described "hand-to-hand" transactions observed by DEA agents are consistent with narcotics sales.

8. At approximately 6:10 p.m., JAMES GOMEZ arrived in the Black BMW in the vicinity of and double parked on 43rd Street between 25th Avenue and 28th Avenue in the Astoria section of Queens, New York. After a few minutes, an individual later identified as the defendant MARLON GOMEZ driving the White BMW arrived and double parked in front of JAMES GOMEZ in the Black BMW. MARLON GOMEZ exited the White BMW and entered the front passenger side of the Black BMW.

9. DEA agents activated the emergency lighting in their unmarked police vehicles, parked in a manner so as to prevent the defendants JAMES GOMEZ and MARLON GOMEZ from driving away, exited their vehicles, and approached the Black BMW. Through the driver's side window, a DEA agent observed in the driver's side door handle of the Black BMW what appeared to be two bags that contained several small

glassine bags that, in turn, each contained a white powdery substance. The defendants stepped out of the Black BMW and were placed under arrest.

10. During a search of the defendant MARLON GOMEZ's pockets incident to arrest, DEA agents discovered approximately 7 small glassine bags that each contained a white powdery substance, as well as approximately $1,000 in United States currency. DEA agents asked the defendants JAMES GOMEZ and MARLON GOMEZ for consent to search the Black BMW and White BMW, respectively, which they voluntarily provided.

11. During the search of the Black BMW, DEA agents discovered in the back seat approximately 50 small glassine bags that each contained a white powdery substance and 12 small glassine bags that each contained what appeared to be marijuana (in addition to several additional bags – later determined to be 7 – from the drivers' side door described above). JAMES GOMEZ also had approximately $110 in United States currency in his pocket.

12. During the search of the White BMW, DEA agents discovered a black plastic grocery bag that contained approximately 10 small glassine bags that each contained a white powdery substance and 10 small glassine bags that each contained what appeared to be marijuana.

13. Samples of the white powdery substance from both the Black BMW and White BMW field-tested positive for cocaine. The approximate gross weight of the cocaine recovered from the Black BMW was 120.8 grams and of the marijuana from the Black BMW was 64 grams. The approximate gross weight of the cocaine recovered from

the defendant MARLON GOMEZ and the White BMW was 56.3 grams and of the marijuana from the White BMW was 52.7 grams.

14. At approximately 8:40 p.m., DEA agents arrived at the Queens Village Residence and knocked on the front door. The door was answered by a young adult female who identified herself as a resident. The DEA agents identified themselves and asked for the young adult female's consent to search the house, which she voluntarily provided.

15. The Queens Village Residence is a two-story single family house with a basement and detached garage. The first story of the house is comprised of a living room, dining area and kitchen with a bedroom and bathroom in the back. Within the dining area, open and on the floor, DEA agents discovered approximately 200 small glassine bags that each contained a white powdery substance as well as a scale and other drug paraphernalia. Within the kitchen, DEA agents discovered approximately 4 cans – approximately the size of a soup can, or larger – with false bottoms that each contained larger bags of a white powdery substance. Within the refrigerator, the DEA agents discovered large quantities of marijuana. DEA agents also discovered several mail parcels that were addressed to each of the defendants JAMES GOMEZ and MARLON GOMEZ.

16. The second story of the Queens Village Residence is comprised of two bedrooms and one bathroom. Inside the bedroom at the front of the house (facing 214th Street), near or on a dresser, were numerous small glassine bags that each contained a white powdery substance. Underneath the bed, DEA agents discovered approximately 4 large "bricks" of a white powdery substance. DEA agents also discovered within the front bedroom, approximately $70,000 in United States currency that was rolled and rubber banded, a loaded .45 caliber Ruger model P90 semiautomatic handgun with a laser sight, a

magazine containing multiple 9-millimeter rounds of ammunition, 3 rounds of .45 caliber ammunition, and a bullet proof vest. The serial number on .45 caliber handgun was removed, altered or obliterated. DEA agents also discovered within this bedroom additional several mail parcels that were addressed to each of the defendants JAMES GOMEZ and MARLON GOMEZ.

17. Within the basement of the Queens Village Residence, DEA agents discovered approximately $3,100 in loose United States currency, as well as drug paraphernalia and packing materials.

18. Within the garage of the Queens Village Resident, DEA agents discovered a loaded .22 caliber revolver and unloaded .40 caliber Smith and Wesson semiautomatic handgun.

19. Samples of the white powdery substance discovered in the Queens Village Residence field tested positive for cocaine. The approximate gross weight of the cocaine recovered from the Queens Village Residence was 2,507.4 grams (in addition to 177 grams from the vehicles, described above) and of the marijuana was 868 grams.

WHEREFORE, your deponent respectfully requests that the defendants JAMES GOMEZ and MARLON GOMEZ be dealt with according to law.

Dated: Brooklyn, New York
February 16, 2017

BRYAN YANNUZZI
Task Force Officer
U.S. Drug Enforcement Administration

Sworn to before me this
16th day of February, 2017

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK